

DHRM BULLETIN

Current Date: July 3, 2001

Reference: DHRM R477-8-7(7)

Effective Date: July 3, 2001

PROCEDURAL GUIDELINES WORKERS COMPENSATION RULE, R477-8-7 (7)

1. The Workers Compensation rule allows employees the option to use leave benefits they have earned and/or accrued to supplement the workers compensation benefit. All leave types (sick, converted sick, annual, excess and comp) can be used at the employee's discretion. Any returns must be credited to the same leave account from which they were taken (see #3). The use of accrued leave benefits and the workers compensation benefit will not exceed the employee's gross salary.
2. Accrued leave benefits may be used from the initial date of injury until the workers compensation benefit is terminated or until the employee has exhausted leave benefits.
3. Once the employee begins to receive a workers compensation check, the employee shall return to the state any accrued leave paid to them which exceeds their gross salary when combined with the workers compensation benefit.
4. Reinstatement of earned and/or accrued leave used to supplement the workers' compensation benefit shall be based on the employee's current gross salary.
5. The employee shall provide his/her agency with the workers compensation check or a personal check or money order. The agency will forward the check to the Department of Finance with a Workers Compensation Adjustment Form. Workers Compensation calculates salary at the rate of pay earned at the time of injury.
6. Reinstatement of leave is calculated at the current rate of pay. Reinstatement of leave is calculated only for State employment. If a workers compensation check includes salary for additional jobs, only the benefit for State employment is applicable for this procedure.
7. Employees continue to accrue sick leave and annual leave while receiving the workers compensation benefit.
8. Employees are eligible for prorated holiday leave while receiving workers compensation benefits if a paid holiday is observed and the employee is receiving supplemental leave pay. Holiday pay is prorated based on the percentage of supplemental pay received.
9. Employees continue to receive benefits that are paid by the State. These are identified on the employees check stub as State-paid benefits. Employees continue to be responsible for other

benefits that are normally deducted from their check. Arrangements to continue employee paid benefits are made by the employee through the agency representative.

Employee's Responsibility

Health Insurance Premiums
Dental Insurance Premiums
Retirement Contributions
(if on contributory system)
Other employee-paid benefits

Employer's Responsibility

Health Insurance Premiums
Dental Insurance Premiums
Retirement Contributions
Basic Life Insurance
Long Term Disability
Unemployment Insurance

10. If the employee goes into a Leave-Without-Pay (LWOP) status, the agency shall notify the employee. They shall also give written notification to PEHP and Utah Retirement Systems to ensure proper benefits tracking and billing.
11. All documents related to workers compensation are to be kept by the agency in a separate locked medical file.

DEFINITIONS FOR PURPOSES OF THIS PROCEDURE:

Accrued leave benefits: all types of leave available to an employee; annual, sick, converted sick, excess and compensatory time. Leave is used at the employee's discretion.

Gross salary: gross salary is calculated by the regular work hours for the employee times the hourly rate. The calculated amount is rounded up to the next whole hour. This may slightly exceed the normal gross salary, but should not be less than the gross salary.

APPROVAL: _____

DATE: _____

WORKER'S COMPENSATION WORKSHEET
REINSTATEMENT OF ACCRUED LEAVE BENEFITS & SUPPLEMENT ELIGIBILITY

DATE: _____

NAME: _____

SOCIAL SECURITY/EMPLOYEE ID: _____

CALCULATION OF LEAVE TO BE REINSTATED:

Workers Compensation check amount. \$ _____

Employee's current hourly rate. \$ _____

Hours for reinstatement (Divide hourly rate into Workers Compensation
Check. Round up to nearest quarter hour). _____

Reminder – Hours must be returned to the same accounts from which they were taken!!!

CALCULATION OF LEAVE ELIGIBLE TO SUPPLEMENT WORKERS COMP BENEFIT:

Employee's bi-weekly gross salary. \$ _____

Workers Comp bi-weekly check. \$ _____

Difference between gross pay and Workers Comp check. \$ _____

Maximum hours eligible to supplement Workers' Comp check
(Divide the employee's current hourly rate into the difference.
Round up to nearest quarter hour). _____

SUMMARY

Bi-weekly benefit received from Workers Comp. \$ _____

Amount received from accrued leave benefit (multiply hours eligible
to supplement by employee's current hourly rate). \$ _____

Total dollar benefit employee is eligible to receive during W/C disability \$ _____

and/or

Max hours eligible for supplement. _____

Plus hours for reinstatement _____

Total hourly benefit employee is eligible to receive during W/C disability _____

EXAMPLE
WORKER'S COMPENSATION WORKSHEET
REINSTATEMENT OF ACCRUED LEAVE BENEFITS & SUPPLEMENT ELIGIBILITY

CALCULATION OF LEAVE TO BE REINSTATED:

Workers Compensation check amount. \$534.00

Employee's current hourly rate. \$ 10.00

Hours for reinstatement (Divide hourly rate into Workers Compensation
Check. Round up to nearest quarter hour). 53.5

Reminder – Hours must be returned to the same accounts from which they were taken!!!

CALCULATION OF LEAVE ELIGIBLE TO SUPPLEMENT WORKERS COMP BENEFIT:

Employee's bi-weekly gross salary. \$800.00

Workers Comp bi-weekly check. \$534.00

Difference between gross pay and Workers Comp check. \$266.00

Maximum hours eligible to supplement Workers' Comp check 26.75
(Divide the employee's current hourly rate into the difference.
Round up to nearest quarter hour).

SUMMARY

Bi-weekly benefit received from workers comp \$534.00

Amount received from accrued leave benefit (multiply hours eligible
to supplement by employee's current hourly rate). \$267.50

Total dollar benefit employee is eligible to receive during W/C disability \$801.50

and/or

Max hours allowed for supplement 26.75

Plus hours for reinstatement 53.5

Total hourly benefit employee is eligible to receive during W/C disability 80.25